IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)		
	Plaintiff,) 8:09MJ212)		
	vs.) DETENTION ORDER		
JU	AN CARLOS GARCIA-JIMENEZ,			
	Defendant.	}		
A.	Order For Detention After waiving a detention hearing pursuant Act on October 20, 2009, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained		
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.			
C.	21 U.S.C. § 841(a)(1) imprisonment. (b) The offense is a crime of (c) The offense involves a nation (d) The offense involves a larger (d)	and includes the following: e offense charged: methamphetamine (Count I) in violation of carries a maximum of twenty years violence. arcotic drug. rge amount of controlled substances, to wit:		
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. Past conduct of the defendant h Court proceeding	appears to have a mental condition which the the defendant will appear. The same in the area. The same is no steady employment. The same is no substantial financial resources. The same is not a long time resident of the community. The does not have any significant community the defendant: The as a history relating to drug abuse. The same is a history relating to alcohol abuse. The same is a significant prior criminal record. The same is a prior record of failure to appear at		

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			elease pending trial, sentence, appeal or completion of ntence.
	(c)	Other Factor	ors:
	()	<u>X</u> Th	ne defendant is an illegal alien and is subject to portation.
		Th	e defendant is a legal alien and will be subject to portation if convicted.
		<u>X</u> Th	le Bureau of Immigration and Custom Enforcement ICE) has placed a detainer with the U.S. Marshal. her:
X (4)	releas		seriousness of the danger posed by the defendant's ows: The nature of the charges in the Indictment and the his arrest.
V (E)	\ Bobu	ttabla Praci	imptions
<u>X</u> (5)		ttable Presu	t the defendant should be detained, the Court also relied
			buttable presumption(s) contained in 18 U.S.C. § 3142(e)
			nds the defendant has not rebutted:
			ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
			r person and the community because the Court finds that
		the crime in	
			A crime of violence; or
		(2)	An offense for which the maximum penalty is life imprisonment or death; or
		<u>X</u> (3)	A controlled substance violation which has a maximum
		<u></u>	penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two
			or more prior offenses described in (1) through (3)
			above, <u>and</u> the defendant has a prior conviction for one
			of the crimes mentioned in (1) through (3) above which
			is less than five years old and which was committed
,		T I (while the defendant was on pretrial release.
	<u>X</u> (b)		ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
		cause to be	munity because the Court finds that there is probable
			That the defendant has committed a controlled
		(1)	substance violation which has a maximum penalty of
			10 years or more.
		(2)	That the defendant has committed an offense under 18
		(-)	U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous
			weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 20, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge